IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

RP.No. 552 of 2004(J)

AGAINST THE JUDGEMENT/ORDER IN OP.11227/2000
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: PETITIONER/PETITIONER IN ORGINAL PETITION.

TECHS INDIA COMPANY, INDUSTRIAL DEVELOPMENT AREA,EDAYAR, BINANIPURAM P.O. ALUVA, ERNAKULAM DISTRICT - 683 502. REP. BY ITS PROPRIETOR, V.V.THOMAS.

BY ADV. SRI.SHAJI CHIRAYATH

RESPONDENTS: RESPONDENTS
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1. KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM. REP. BY ITS SECRETARY.

2. THE ASSISTANT EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, ELECTRICAL MAJOR SECTION, ALUVA WEST, ERNAKULAM DISTRICT.

BY ADV. SRI.C.K.KARUNAKARAN, SC, KSEB

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH J.

R.P.No.552 of 2004 in O.P.No.11227/2000

Dated 6th November, 2007.

O R D E R

This Review Petition is at the instance of the writ petitioner. The issue raised in the writ petition pertains to the eligibility of the writ petitioner for pre-1992 tariff from March, 1993 to February, 1998. The eligibility certificate was obtained only in October, 1997. Therefore, the amounts collected in excess of the pre-1992 tariff till October, 1997 was being adjusted towards future payment of energy charges, taking note of the submission that the accumulated arrears was Rs.42,023/-. In view of the discontinuance of payment of monthly energy charges and that the amount actually due to the petitioner was Rs.28,883/-, this court disposed of the writ petition clarifying that the interest shall be levied only on Rs.13,140/-. The contention of the review petitioner is that much amounts are due to the petitioner, and Exts.P9 to P11 statements are also produced. Since the matter requires factual verification, it is only appropriate that a higher authority to the second respondent considers the matter. Therefore, the Review Petition is disposed of clarifying that the

statements regarding payment as contained in the judgment shall not stand in the way of the review petitioner pursuing its claim for refund of any other amounts from the KSEB. In the event of such a grievance being pursued before the Executive Engineer of the concerned division, the said authority shall independently look into the matter, after affording an opportunity for hearing and verification of accounts to the petitioner, and take appropriate action to refund the amounts if any, due to the petitioner, untrammelled by any of the observations, findings and directions contained in the judgment. The needful shall be done within three months from the date of receipt of the representation along with a copy of this order.

KURIAN JOSEPH, JUDGE.

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